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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 August 1998, at 10.30 a.m.

Temporary Chairman: Mr. BENGOA

Chairman: Mr. GUISSÉ

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The meeting was called to order at 11 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the fiftieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. He thanked the High Commissioner for Human Rights for attending the opening of the session and welcomed the new members: Mr. Wimala Goonesekere, Ms. Hampson, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Ramishvili, Mr. Sik Yuen and Mr. Sorabjee.

2. He said he was honoured to open the session in the year that marked the fiftieth anniversary of the Universal Declaration of Human Rights. He regretted, however, that human rights were still a remote prospect for many people, who turned to the United Nations human rights bodies with hope but often also with a considerable measure of scepticism. Although the Sub-Commission's burden of responsibility had increased, the independence of its members was sometimes called in question. It was therefore essential that its discussions and activities should be guided solely by the principles of the Charter and that it should recover the early spirit of its work.

3. The phenomenon of globalization was posing a threat to human rights at the local and country levels at a time when their universality was constantly being reaffirmed in international forums. The globalization of markets and communication was particularly detrimental to the right to work and to social security, and poverty was spreading. The Sub-Commission was the appropriate forum in which to study the impact of globalization on human rights. The Universal Declaration of Human Rights had been drafted after the Second World War, the first ever outbreak of violence on a global scale; nowadays, attention needed to be focused on other forms of violence directed against individuals, which needed analysing. The Sub-Commission had an important role to play in that regard. Globalization seemed to go hand in hand with the development of democratic political institutions. Many countries had evolved in recent years towards systems in which the political authorities were elected by citizens, but the latter were not really involved in political life. When human rights violations occurred in those democracies, the international machinery sometimes proved ineffectual. It only seemed to function when democracy no longer existed and, paradoxically, on condition that the crisis did not become uncontrollable. The Sub-Commission's task was all the more sensitive in those circumstances. It was essential to use creativity in addressing the issue of human rights violations at country level in order to intervene before it was too late.

4. The current period was one of major social and cultural change. Globalization led to major phenomena, such as international migration, forced displacement and migrant labour, which were accompanied by new forms of racism and xenophobia. The Sub-Commission should be a focal point for discussing the complexity and diversity of the modern world, bearing in mind the special contributions of indigenous peoples, minorities and women.

5. At its recent session, the Commission on Human Rights had welcomed the changes already made by the Sub-Commission in its methods of work. It was essential to pursue those endeavours. In particular, there was a pressing

need to improve the quality and depth of the discussion on each agenda item in order to avoid unnecessary repetition later on; members should take the requisite time to study the documents prepared for each session; lastly, draft resolutions should be discussed at greater length, in a transparent way and on the basis of consultations. The Sub-Commission should be a forum in which free discussion, comment and criticism were encouraged. It should cooperate closely with the High Commissioner for Human Rights, Governments and non-governmental organizations (NGOs).

6. In conclusion, he welcomed the new members, conveyed his wishes for a speedy recovery to Mr. Hatano and Mr. Bossuyt, who, for reasons of ill health, were unable to participate in the fiftieth session, and he thanked all the experts for the confidence they had placed in him during the forty-ninth session and throughout the year.

ADDRESS BY MRS. ROBINSON, HIGH COMMISSIONER FOR HUMAN RIGHTS

7. Mrs. ROBINSON (High Commissioner for Human Rights) said she was pleased to address the Sub-Commission for the first time. She congratulated Mr. Bengoa on his commitment, the high quality of his work and, in particular, the emphasis placed on the prevention of discrimination and the protection of minorities. She intended to follow the work of the Sub-Commission closely and to attend its meetings from time to time; in the meantime, her assistants would keep her informed of how the session was proceeding. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights and the five-year review of the Vienna Declaration and Programme of Action, it was important to disseminate as widely as possible the text of the Universal Declaration of Human Rights, the first standard-setting document in the area of political, social, economic and cultural human rights.

8. Since December 1995, the Office of the High Commissioner for Human Rights had been conducting a broad survey of existing language versions of the Universal Declaration of Human Rights and had encouraged the preparation and dissemination of new versions. To date, at least 210 national and local language versions had been collected, as well as some 60 additional versions in pictorial, Braille and other formats, which the Office was making available to the public. A new Office of the High Commissioner Website page would be launched on 10 December 1998. The project actively involved the United Nations Department of Public Information, United Nations information centres throughout the world, the International Telecommunication Union and several local and national NGOs. She stressed the importance of having local language versions of the Universal Declaration of Human Rights. A list of existing versions was available for consultation by interested members of the Sub-Commission.

9. The Sub-Commission played a special role in action to promote human rights inasmuch as its work focused on the situation of all those who felt marginalized and whose rights were not respected. That fact had been brought home to her at the open-air cultural events held to celebrate the International Day of Indigenous People, when groups demanded, through music, song and dance, that their rights be recognized, respected and promoted, a core objective of the Sub-Commission's work, in which she was glad to participate.

ORGANIZATION OF WORK

(a) ELECTION OF OFFICERS

(b) ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/CN.4/Sub.2/1998/1 and Add.1)

Election of officers

10. The TEMPORARY CHAIRMAN invited the Sub-Commission to propose candidates for the Chair.

11. After thanking Mr. Bengoa for his contribution to the work of the Sub-Commission as Chairman for the forty-ninth session, Mr. FAN GUOXIANG said that the Asian Group, whose turn it was to propose a candidate for the Chair, had opted for Mr. Hatano. Since the latter, however, had been unable for health reasons to take part in the work of the Sub-Commission's fiftieth session, it had suggested that the order should exceptionally be inverted, with the African Group proposing the current Chairman and the Asian Group the candidate for the following session.

12. Mrs. WARZAZI proposed Mr. Guissé.

13. Mr. KHALIFA seconded the proposal.

14. Mr. Guissé was elected Chairman by acclamation.

15. Mr. Guissé took the Chair.

16. The CHAIRMAN invited the Sub-Commission to propose candidates for the office of Vice-Chairman.

17. Mrs. DAES proposed Mr. Weissbrodt.

18. Mr. YONG PARK proposed Mr. Fan Guoxiang.

19. Mr. FIX-ZAMUDIO proposed Mr. Alfonso Martínez.

20. Mr. Weissbrodt, Mr. Fan Guoxiang and Mr. Alfonso Martínez were elected Vice-Chairmen by acclamation.

21. The CHAIRMAN invited the Sub-Commission to propose candidates for the office of rapporteur.

22. Mr. RAMISHVILI proposed Mr. Maxim.

23. Mr. Maxim was elected Rapporteur by acclamation.

24. The CHAIRMAN said he was very honoured, personally and as an African and a Senegalese, to be elected Chairman for the Sub-Commission's fiftieth session. He extended his thanks to his colleagues of the African Group in particular, and asked them to help him in his difficult task. He was especially pleased to chair the current session because it coincided with the

fiftieth anniversary of the Universal Declaration of Human Rights. The Declaration was truly universal, and not international as intended in the initial draft, which meant it was a declaration of the rights of all men and all women, regardless of colour, language, religious persuasion and beliefs. After five decades of formulating and attempting to implement the Declaration, it had been found that peace, economic development and human rights were functionally interlinked, in such a way that each element was indispensable to the whole. Though individual in essence, human rights were collective in their application and were effective only in a democratic society organized under the rule of law. Only a State subject to the rule of law in the real sense of the term could provide the legal and economic framework necessary for individuals to exercise their civil, political, economic, social and cultural rights.

25. Through its unity, the Universal Declaration of Human Rights enshrined and reflected universal pluralism and diversity. Its provisions had been incorporated in the basic laws of all countries. If well understood and correctly interpreted, human rights were compatible with any culture and were inherent in all nations. Their strength lay in their universal character. The appeal made almost 500 years ago by Imam Ali to the Governor of Egypt, calling on him to rule with clemency and tolerance over his subjects - his "equals before the Creator" - was still as valid as ever. It is only when each person understood his rights and allowed others to fulfil theirs that there would be any hope of human rights becoming a reality. As Mrs. Robinson had recalled in November 1997: "Human rights belong to us ... we are all the guardians of these standards". He praised Mrs. Robinson's tireless commitment to the cause of human rights and assured her of the Sub-Commission's full support.

26. On the eve of the new millennium, if the survival of the human species was to be ensured, it was necessary to propose concrete measures and to act resolutely, without egoism, unreasonable reluctance or weakness, to ensure the fulfilment of all human rights and, in a spirit of solidarity, tolerance and respect for differences, to overcome all the evils which detracted from the dignity of human beings. He called on all people of good will to work to that end.

Adoption of the agenda

27. Mrs. WARZAZI said that the wording in English of item 5 of the provisional agenda: "the implementation of the human rights of women" did not appear satisfactory. It could give the impression that women did not have the same rights as men. The Sub-Commission should give the matter some serious thought.

28. Mr. PARK pointed out that the Commission on Human Rights, in its resolution 1998/28, had asked the Sub-Commission to hold not more than 30 public meetings during its fiftieth session. Considering that the Sub-Commission had had to hold no less than 38 meetings to complete all 13 items and 25 sub-items of the agenda, of its forty-ninth session, it was worth pointing out that the provisional agenda of the current session included no less than 14 items and 28 sub-items.

29. It was also worth recalling that, in its resolution 1998/32, the Commission had requested the Sub-Commission to reconsider its recommendation to appoint a Special Rapporteur on the privatization of prisons (item 9 (e) of the provisional agenda). The Commission had made the same request regarding the question of human rights and scientific and technological developments (item 12 (b) (iv)).

30. In view of those requests, he proposed deferring consideration of items 9 (d) (juvenile justice), 9 (e) (privatization of prisons) and 12 (b) (iv) (human rights and scientific and technological developments) to a session attended by the special rapporteurs dealing with those questions.

31. Starting in 1999 or 2000, the Sub-Commission might consider some items of the agenda, such as item 4 (a) (the international economic order and the promotion of human rights), or item 12 (b) (review of developments concerning recommendations and decisions) only every two years.

32. Mr. RAMISHVILI said that it would be clearer if item 5 of the agenda were entitled "equality of rights between men and women" or perhaps "discrimination against women".

33. Mr. JOINET said that in his view the wording of item 5 of the provisional agenda in the French version ("*la réalisation des droits de la personne humaine en ce qui concerne les femmes*") was quite acceptable and that it was perhaps a question of aligning the English version on the French version.

34. Referring to Mr. Park's proposals, he agreed that the Sub-Commission did not need to consider the question of juvenile justice (item 9 (d)), which had already been dealt with in many seminars and studies, as well as in the Sub-Commission's work. He also supported Mr. Park's proposal regarding item 9 (e) of the provisional agenda.

35. Mr. ALFONSO MARTINEZ said that item 5 of the provisional agenda should be worded so as clearly to reflect the Sub-Commission's objective, namely the effective implementation of all human rights where women were concerned.

36. Referring to Mr. Park's proposals, it was worth pointing out that the Commission, in resolution 1998/32, had not asked the Sub-Commission to abandon consideration of the question of the privatization of prisons, but only to reconsider its recommendation concerning the appointment of a special rapporteur. Generally speaking, the Sub-Commission should not be over-hasty in removing items from the agenda.

37. Mrs. WARZAZI did not think it would be possible to consider item 12 (b) of the provisional agenda (review of developments concerning recommendations and decisions) only every other year, since the review was in fact an annual update. As for the question of human rights and scientific and technological developments (item 12 (b) (iv)), she felt it was a very important issue and should therefore be considered every year. Lastly, she saw no real reason to defer consideration of item 9 (d) (juvenile justice).

38. Mr. SORABJEE agreed with Mr. Alfonso Martínez and Mrs. Warzazi. It was not a good idea at that stage to remove any item at all from the agenda or to defer consideration of any item to a later date. It was only at the time each of the items, such as item 9 (b), came up for consideration, and on the basis of the information it would have available, that the Sub-Commission could take the right decision. As a new member, he wished to say how pleased he was to have joined the Sub-Commission. He congratulated Mr. Guissé on his election to the Chair of the fiftieth session and also thanked the High Commissioner for Human Rights, Mrs. Robinson, for the lively interest she took in the Sub-Commission's work and for her encouragement.

39. Mr. EIDE agreed with Mr. Sorabjee that it was preferable to wait before deciding on Mr. Park's proposals until the questions concerned came up for consideration. He proposed that the Sub-Commission adopt the agenda, subject to the modification proposed by Mrs. Warzazi concerning the expression "Human Rights of Women" in English.

40. Mr. ALFONSO MARTINEZ supported Mr. Eide's view on the grounds that it was the most rational solution and appealed to Mr. Park to reconsider his position.

41. Mr. PARK said that his only intention in proposing to remove some items or sub-items from the agenda had been to give the Sub-Commission more time for substantive debate on crucial issues. He would not insist, however, and was prepared to express his views at the time the particular items were considered.

42. Mr. JOINET agreed that it was preferable to adopt the agenda as it stood. With regard to the two items mentioned by Mr. Park, namely juvenile justice (9 (d)) and human rights and scientific and technological developments (12 (b) (iv)), he suggested it was worth gathering together all the studies on the two topics prepared either by the Sub-Commission itself or by other bodies, in order to avoid any overlap and gain efficiency.

43. Mrs. WARZAZI formally proposed that the Sub-Commission adopt the agenda.

44. The provisional agenda was adopted.

MINUTE OF SILENCE IN HONOUR OF VICTIMS OF ALL FORMS OF VIOLATIONS OF HUMAN RIGHTS IN ALL REGIONS OF THE WORLD

45. The CHAIRMAN reminded the Sub-Commission that, by decision 1994/103, it had agreed to devote a minute of silence at the start of each session to pay tribute to the victims of all forms of violations of human rights in all regions of the world.

46. The members of the Sub-Commission observed a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world.

47. The CHAIRMAN said that the Bureau would meet to draw up a plan of work. Members of the Sub-Commission would be informed of recommendations concerning the way the work of the fiftieth session should be organized.

48. Mr. LEBAKINE (Secretary of the Sub-Commission), reviewing the session's documentation, said that most of the documents listed were either already available or in the course of translation or reproduction, apart from the final report by Mr. Alfonso Martínez, which had been submitted late and which would therefore be distributed as an offset only, and the working paper on weapons of mass destruction and the report on terrorism and human rights, which were to have been prepared by Mrs. Forero Ucros and Mrs. Koufa respectively and which had not yet been submitted. Explanations concerning Mrs. Koufa's report were given in the secretariat's note published under reference E/CN.4/Sub.2/1998/24.

The meeting rose at 12.45 p.m.